

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP,	)	
BI-LEVEL PAP, AND MECHANICAL	)	Master Docket: Misc. No. 21-1230
VENTILATOR PRODUCTS	)	
LITIGATION,	)	MDL No. 3014
	)	
This Document Relates to: All Actions	)	
Asserting Economic Loss Claims	)	

**NOTICE OF FILING OF SUPPLEMENTAL BRIEF IN FURTHER SUPPORT OF  
UNOPPOSED MOTION OF PROPOSED SETTLEMENT CLASS REPRESENTATIVES  
FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT AGREEMENT AND  
RELEASE OF ECONOMIC LOSS CLAIMS AND TO DIRECT NOTICE  
TO THE PROPOSED SETTLEMENT CLASS**

Proposed Settlement Class Representatives, through Plaintiffs’ Co-Lead Counsel and proposed Settlement Class Counsel, hereby file the attached Supplemental Brief in Further Support of their Unopposed Motion for Preliminary Approval of Class Settlement Agreement and Release of Economic Loss Claims and to Direct Notice to the Proposed Settlement Class (the “Preliminary Approval Motion”) (ECF No. 2212).

On September 18, 2023, the Court held a hearing on the Preliminary Approval Motion (the “Hearing”) and raised questions and issues with certain aspects of the Settlement Agreement and proposed class notices that it wanted addressed prior to preliminary approval being granted and notice being disseminated. The Supplemental Brief explains revisions that have been made by the Parties to the Agreement and related documents. In addition, attached to the Supplemental Brief is an amended Settlement Agreement with all accompanying Exhibits (some of which have been amended as set forth in the Supplemental Brief) and a Supplemental Declaration from the proposed Settlement Administrator in support of the Notice Plan.

Dated: September 25, 2023

Respectfully submitted,

/s/ Sandra L. Duggan  
Sandra L. Duggan, Esquire  
**LEVIN SEDRAN & BERMAN LLP**  
510 Walnut Street, Suite 500  
Philadelphia, PA 19106  
(215)592-1500 (phone)  
[sduggan@lfsblaw.com](mailto:sduggan@lfsblaw.com)

/s/ Christopher A. Seeger  
Christopher A. Seeger, Esquire  
**SEEGER WEISS LLP**  
55 Challenger Road, 6<sup>th</sup> Floor  
Ridgefield Park, NJ 07660  
(973) 639-9100 (phone)  
[cseeger@seegerweiss.com](mailto:cseeger@seegerweiss.com)

/s/ Steven A. Schwartz  
Steven A. Schwartz, Esquire  
**CHIMICLES SCHWARTZ KRINER &  
DONALDSON-SMITH LLP**  
361 West Lancaster Avenue  
Haverford, PA 19041  
(610) 642-8500 (phone)  
[steveschwartz@chimicles.com](mailto:steveschwartz@chimicles.com)

/s/ Kelly K. Iverson  
Kelly K. Iverson, Esquire  
**LYNCH CARPENTER, LLP**  
1133 Penn Avenue, 5<sup>th</sup> Floor  
Pittsburgh, PA 15222  
(412) 322-9243 (phone)  
[kelly@lcllp.com](mailto:kelly@lcllp.com)

*Plaintiffs' Co-Lead Counsel / Proposed Settlement Class Counsel*

Roberta D Liebenberg, Esquire (Chair)  
**FINE, KAPLAN AND BLACK, R.P.C.**  
One South Broad Street, 23rd Floor  
Philadelphia, PA 19107  
(215) 567-6565 (phone)  
[rliebenberg@finekaplan.com](mailto:rliebenberg@finekaplan.com)

Lisa Ann Gorshe, Esquire (Vice Chair)  
**JOHNSON BECKER PLLC**  
444 Cedar Street, Ste 1800  
Saint Paul, MN 55101  
(612) 436-1852 (phone)  
[lgorshe@johnsonbecker.com](mailto:lgorshe@johnsonbecker.com)

Arthur H. Stroyd, Jr., Esquire (Vice Chair)  
**DEL SOLE CAVANAUGH STROYD LLC**  
3 PPG Place, Suite 600  
Pittsburgh, PA 15222  
(412) 261-2172 (phone)  
(412) 261-2110 (fax)  
[astroyd@dscslaw.com](mailto:astroyd@dscslaw.com)

*Settlement Committee / Proposed Settlement Class Counsel*

/s/ D. Aaron Rihn

D. Aaron Rihn, Esquire

**ROBERT PEIRCE & ASSOCIATES,  
P.C.**

707 Grant Street, Suite 125

Pittsburgh, PA 15219

(412) 281-7229 (phone)

(412) 281-4229 (fax)

[arihna@peircelaw.com](mailto:arihna@peircelaw.com)

Peter St. Tienne Wolff, Esquire

**PIETRAGALLO GORDON ALFANO**

**BOSICK & RASPANTI, LLP**

One Oxford Centre - 38th Floor

Pittsburgh, PA 15219

(412) 263-2000 (phone)

(412) 263-2001 (fax)

[psw@pietragallo.com](mailto:psw@pietragallo.com)

*Plaintiffs' Co-Liaison Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was filed via the Court's CM/ECF system on this 25th day of September 2023, and will be served to Counsel for Defendants via email.

/s/ D. Aaron Rihn

D. Aaron Rihn, Esquire

PA I.D. No.: 85752

ROBERT PEIRCE & ASSOCIATES, P.C.

707 Grant Street

Suite 125

Pittsburgh, PA 15219

Tel: 412-281-7229

Fax: 412-281-4229

[arihn@peircelaw.com](mailto:arihn@peircelaw.com)